

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MAX BLANKFELD, JOHNNY EDWARDS
ADAM FINN, DAVID KLEIN, MARK MEY
ALAN SCHAEFER, FIORE TALARICO,
and ROBERT TEH,

Plaintiffs,

v.

Civil Action No. H-09-162

MERRILL LYNCH & CO., INC. and
MERRILL LYNCH PIERCE FENNER
& SMITH, INC.,

JURY

Defendants.

NOTICE OF DISMISSAL

Please take notice that Plaintiffs hereby dismiss this action, without prejudice, pursuant to Rule 41(a), Fed. R. Civ. Proc.

Dated: March 9, 2009

Respectfully submitted,

/s/ Stephen S. Andrews

Stephen S. Andrews
Attorney in Charge
Texas State Bar No. 01250300
Federal I.D. No. 1458
Oaks, Hartline & Daly, L.L.P.
2323 S. Shepherd Drive, 14th Floor
Houston, TX 77019
(713) 979-5123 (Telephone)
(713) 979-4440 (Fax)
andrews@ohdlegal.com

Of Counsel:
Stephen Lowey
Geoffrey Horn
Lowey Dannenberg Cohen & Hart, P.C.
1 North Broadway, Suite 509
White Plains, NY 10601
Tel.: (914) 997-0500
Fax: (914) 997-0035
slowey@lowey.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2009, I electronically filed the foregoing document with the Clerk of Court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the Court which will generate an electronic notice of this filing to the following counsel.

Charles W. Schwartz
Skadden, Arps, Slate,
Meagher & Flom LLP
1000 Louisiana, Suite 6800
Houston, TX 77002

/s/ Stephen S. Andrews
Stephen S. Andrews